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REQUEST TO FILE UNDER SEAL<sup>1</sup>

January 5, 2018

The request to file under seal is denied. The interest of public accountability outweighs the interest of privacy. As to the request to travel to Israel, a hearing will be held January 11, 2018, at 11:00am.

Re: United States v. Murray Huberfeld et alno., 16 Cr. 467 (AKH)

1-8-18-

Dear Judge Hellerstein:

I write on behalf of defendant Murray Huberfeld to respectfully request a temporary modification of his pretrial release conditions to allow him to travel to Israel to counsel his 18-year-old daughter who is having difficulty at school there. Mr. Huberfeld seeks to travel to Israel for a three-day visit with his daughter to be scheduled if this application is granted. Mr. Huberfeld will provide his Pretrial Service Officer with the precise itinerary of his trip, including exact dates and contact information in Israel.

Previously in this case, Judge Carter granted Mr. Huberfeld authorization to travel to Israel on three prior occasions, including one time after trial. Mr. Huberfeld agreed to post an additional \$1 million bond during the time he was out of the country (which he again agrees to do here). Each time, Mr. Huberfeld perfectly complied with his release conditions, providing strong evidence that he has never been a flight risk and intends to obtain full vindication in the successful defense of these charges.

<sup>1</sup> Because this application involves personal information about Mr. Huberfeld's 18-year-old daughter, we request that it be filed under seal.

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The government informs us that it objects to this request. The Pretrial Services Office takes no position on the application. The government's objection is disingenuous because it has no factual basis to believe that Mr. Huberfeld suddenly has become a flight risk since his many earlier travels during this case. As specified in detail below, Mr. Huberfeld has traveled outside of the district extensively, including to Israel, always remaining in compliance with the directives of the Court and Pretrial Services. There is no identifiable reason to suspect that he would do differently now.

#### Mr. Huberfeld's Pre-Trial Release Conditions

Following his arrest on June 8, 2016, Mr. Huberfeld was released on a \$1 million personal recognizance bond, secured by \$500,000 in property, with travel restricted to the Southern and Eastern Districts of New York and the District of New Jersey. In the following months, the Court permitted him to travel to Washington, D.C. (for a family vacation) (see ECF #31), to his residence in Bal Harbor, Florida (see ECF #40), to Arizona (for a Passover retreat) (see ECF #54), to California (for a Bar Mitzvah and a family vacation) (see ECF #62 and #66), and to Israel (as discussed, infra). On December 4, 2017, Judge Carter granted Mr. Huberfeld's application to extend travel to within the United States on notice to pretrial services (see ECF #140).

#### Three Prior Trips to Israel

Mr. Huberfeld has traveled to Israel on three prior occasions while on bail. From March 28 through March 30, 2017, Mr. Huberfeld traveled to Israel for his father's burial. From June 3 through June 6, 2017, he traveled to Israel to attend a funeral service for his father. And from December 13 through 19, 2017, he again traveled to Israel to celebrate Chanukah.<sup>2</sup> The government opposed all but the first of these trips. On each occasion, Mr. Huberfeld voluntarily posted an additional \$1 million bond for the pendency of his international travel.

#### The Current Application

Mr. Huberfeld requests permission to travel to Jerusalem for three days as soon as practicable if the Court grants his request.

The purpose of the proposed travel is to visit with and counsel his youngest daughter, who currently lives there. Ariella is 18-years-old and has been living in Jerusalem since August 2017, where she is attending the Machon Raaya seminary, a year-long, post high school religious school. Acceptance in this program is academically competitive, and it was a substantial accomplishment for her to be accepted. She has recently been experiencing acute anxiety, at least in part related to being separated from her father and not having been able to be with him

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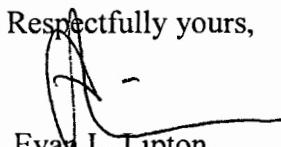
<sup>2</sup> With the exception of the December 13 through 19, 2017 Chanukah trip (see ECF #140), Mr. Huberfeld's applications to travel to Israel have not been placed on the public docket due to the personal nature of each request.

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and her family during the traumatic time of his jury trial. Following the family's brief Chanukah trip, she first informed her father that she was considering abandoning seminary to return home. After subsequently consulting with therapists here, Mr. Huberfeld has been advised that he should personally return to Israel to comfort his daughter and help counsel her on her decision whether to remain in the program. Having completed nearly six months of the program, Mr. Huberfeld wants to be able to offer his fatherly support to Ariella to complete the program and determine if she is well enough emotionally to finish her stay.

For all the above reasons, we respectfully request this application be granted.

Respectfully yours,



Evan L. Lipton  
Mazurek Lipton LLP  
*Attorneys for Mr. Huberfeld*

cc:  
Government counsel  
Pretrial services  
(by email)